

AO 440 (Rev. 10/93) Summons in a Civil Action

## RETURN OF SERVICE

SERVICE OF: SUMMONS, COMPLAINT, CIS, EXHIBITS  
 EFFECTED (1) BY ME: OUT OF STATE  
 TITLE: PROCESS SERVER *ROBERT C. HILL*

DATE: *01-08-08 6:55pm.*

CHECK ONE BOX BELOW TO INDICATE APPROPRIATE METHOD OF SERVICE:

☒ Served personally upon the defendant:

DWIGHT PARSCALE

Place where served:

*25920 STONE CANYON, SAN ANTONIO, TX 78260*

[ ] Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:

Relationship to defendant: *SELF*

Description of person accepting service:

SEX: *M* AGE: *60's* HEIGHT: *5'9"* WEIGHT: *225 lbs.* SKIN: *White* HAIR: *Gray* OTHER: \_\_\_\_\_

[X] To the best of my knowledge, said person was not engaged in the U.S. Military at the time of service

## STATEMENT OF SERVER

TRAVEL \$ \_\_\_\_\_

SERVICES \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in this Return of Service and Statement of Server is true and correct.

DATE: *01 / 08 / 2008*

*Robert C. Hill* L.S.  
 SIGNATURE OF OUT OF STATE  
 GUARANTEED SUBPOENA SERVICE, INC.  
 2009 MORRIS AVENUE  
 UNION, NJ 07083

## Non-Peace Officer Verification

Verification of return (if not served by peace officer)

sworn to this *8* day of *January* 20 *08*.By: *Robert Hill* Server

ATTORNEY: ALAN S. FELLHEIMER  
 PLAINTIFF: AXION POWER INTERNATIONAL, INC.  
 DEFENDANT: MERCATUS & PARTNERS, LTD.  
 VENUE: DISTRICT  
 DOCKET: 07 CV 11493

Notary Public, State of Texas

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.



SHAWN WELLS  
 MY COMMISSION EXPIRES  
 OCTOBER 13, 2008